

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
at CHATTANOOGA

UNITED STATES OF AMERICA

v.

FRANK SMITH

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No. 1:05-CR-150
Chief Judge Curtis L. Collier

ORDER

Defendant Frank Smith (“Defendant”) requested a psychological evaluation on January 24, 2006 (Court File No. 13). The request was referred to United States Magistrate Judge William B. Mitchell Carter to conduct an evidentiary hearing and make a report and recommendation (“R&R”) pursuant to 28 U.S.C. § 636(b)(1)(B) and (C). Magistrate Judge Carter received a May 15, 2006 letter from Stephen M. Dewalt, Warden of the Federal Bureau of Prisons, Federal Medical Center in Lexington, Kentucky, and a Forensic Evaluation of Defendant. The findings in the evaluation are Defendant is competent to stand trial and was sane at the time of the alleged offense.

Defendant filed a Waiver of Competency Hearing pursuant to 18 U.S.C. § 4247(d) on May 17, 2006 (Court File No. 30). On the basis of the waiver and the evaluation, Magistrate Judge Carter filed a report and recommendation (“R&R”) recommending the Court find Defendant competent to stand trial (Court File No. 31). Defendant has filed no objections to the magistrate judge’s R&R.

Therefore, the Court **ACCEPTS** and **ADOPTS** the magistrate judge’s report and recommendation (Court File No. 31) pursuant to 28 U.S.C. § 636(b)(1)(C), and hereby **ORDERS** the following:

- (1) The defendant is competent to stand trial.

SO ORDERED.

ENTER:

/s/
CURTIS L. COLLIER
CHIEF UNITED STATES DISTRICT JUDGE